

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RITA K. SMITH,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:15-CV-108-TAV-HBG
)	
CAROLYN W. COLVIN,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge H. Bruce Guyton on February 2, 2016 [Doc. 16]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the R&R, Magistrate Judge Guyton recommends that plaintiff’s motion for summary judgment [Doc. 12] be granted in part and denied in part, and the Commissioner’s motion for summary judgment [Doc. 13] be granted in part and denied in part. He further recommends that, upon remand, the ALJ reconsider Dr. Pershing’s opinions by assigning them a specific weight, and if the ALJ declines to give the opinions controlling weight, the ALJ is to provide good reason by weighing the factors set forth in 20 C.F.R. §§ 404.1527(c) and 416.927(c).

The Court has carefully reviewed this matter, including the underlying motions and the complaint, and the Court is in agreement with the magistrate judge's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 16], and it is **ORDERED** that plaintiff's Motion for Summary Judgment [Doc. 12] is **GRANTED IN PART and DENIED IN PART** and the Commissioner's Motion for Summary Judgment [Doc. 13] is **GRANTED IN PART and DENIED IN PART**. This case is hereby **REMANDED** for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE